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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

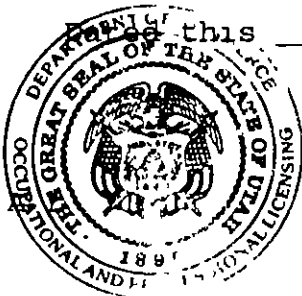
IN THE MATTER OF THE LICENSE OF  
KENT WILKINSON  
TO PRACTICE AS A  
LICENSED PRACTICAL NURSE  
IN THE STATE OF UTAH

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:  
: ORDER REINSTATING LICENSE  
:  
:  
: Case No. DOPL-2006-232  
:

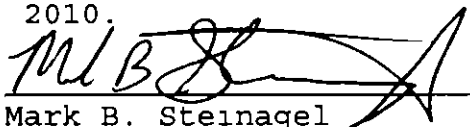
BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth  
in the Division's Memorandum of Understanding and Order, dated  
November 6, 2006, in the above-referenced case number

IT IS HEREBY ORDERED the probation and restrictions/conditions  
on the license of KENT WILKINSON to practice as a licensed practical  
nurse are terminated and said license be reinstated with full  
privileges effective the date of this Order.



this 11 day of January, 2010.

  
Mark B. Steinagel  
Director

L MITCHELL JONES (U S B 5979)  
Assistant Attorney General  
MARK L SHURTLEFF (U S B 4666)  
Attorney General  
Commercial Enforcement Division  
Heber M Wells Building  
160 East 300 South - Box 146741  
Salt Lake City, Utah 84114-6741  
Telephone (801) 366-0310

**RECEIVED**  
OCT 31 2006  
DIVISION OF OCCUPATIONAL  
& PROFESSIONAL LICENSING

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**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING**  
**OF THE DEPARTMENT OF COMMERCE**  
**OF THE STATE OF UTAH**

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IN THE MATTER OF THE ISSUANCE OF ) **MEMORANDUM OF**  
A PROBATIONARY LICENSE TO KENT ) **UNDERSTANDING AND ORDER**  
WILKINSON TO PRACTICE AS A LICENSED )  
PRACTICAL NURSE IN THE STATE OF UTAH ) **CASE NO. DOPL 2006- 232**

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DOPL FM 007 REV 1/25/05

Kent Wilkinson ("Respondent") submitted an application for reinstatement of his license to practice as a Licensed Practical Nurse ("LPN") on or about May 18, 2006. On the Qualifying Questionnaire Respondent answered "yes" to questions #3, #24, and #26. By way of explanation, Respondent submitted documentation from the Oregon Board of Nursing indicating disciplinary action had been taken against his Oregon LPN license. On or about May 25, 1988, Respondent's Oregon LPN license was placed on probation for a period of one year for failure to record a patient pain medications. On or about November 1, 1990, Respondent's license was revoked for failure to comply with the previous Oregon Board order. On or about January 31, 1994, Respondent was issued a limited license in Oregon to complete a re-entry program. On or about May 15, 2002 Respondent's Oregon license was revoked in a default hearing due to his lack of response to allegations of improper practice and behavior. Respondent also submitted documentation of a misdemeanor conviction on or about October 8, 2001, for shoplifting.

Based upon Respondent's past disciplinary action and criminal history, Respondent and Division, as evidenced by their signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as a Licensed Practical Nurse subject to terms and conditions, which shall be in effect for a period of three years commencing upon the date that Respondent passes the NCLEX-PN examination and following the date this Memorandum of Understanding and Order is approved by the Division Director as evidenced by his signature.

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action Respondent admits that Respondent's actions described above constitute unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(c) and (d)
- 2 Respondent acknowledges that Respondent enters into this Memorandum of Understanding and Order knowingly and voluntarily, and other than what is contained in this Memorandum of Understanding and Order, no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce Respondent to enter into this agreement
- 3 Respondent understands that Respondent has the right to be represented by an attorney in this matter, and the Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter
- 4 Respondent acknowledges that this Memorandum of Understanding and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities
- 5 Respondent shall successfully complete and satisfy the following terms and conditions during Respondent's term of probation
  - a Respondent shall meet with the Board within thirty (30) days of the signing of the accompanying Order Respondent shall meet with a Division staff person prior to Respondent's first meeting with the Board to review this agreement For the remainder of the probationary period Respondent shall meet with the Board or with the Division annually or at such other greater or lesser frequency as the Division may direct
  - b Respondent shall successfully complete a psychological evaluation conducted by a Division-approved licensed professional within ninety (90) days of the effective date of this Memorandum of Understanding and Order Respondent shall contact the Division-approved licensed professional for an initial appointment within 10 days of the effective date of the Order Respondent shall schedule the initial appointment to be held within 45 days of the effective date of this Order Respondent shall attend all appointments and follow-up appointments in a timely manner Respondent shall cooperate fully with the evaluator to ensure a fair and complete evaluation Respondent shall notify the Division immediately after successfully completing the evaluation and inform the Division that Respondent has successfully completed the psychological evaluation Respondent agrees to cause the evaluation report to be sent to the Division within 90 days of the effective date of this Order
  - c Respondent shall successfully complete all treatment recommendations as outlined in the evaluation

d Failure of Respondent to pay the costs associated with this Memorandum of Understanding and Order constitutes a violation of the Memorandum of Understanding and Order

e All reports and documentation required in this Memorandum of Understanding and Order shall be submitted to the Board on a monthly basis for the first six months of probation. If Respondent is in compliance with all terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis

f Respondent shall complete and submit to the Board continuing self-assessment reports at the frequency described in subparagraph (e) above. The self-assessment reports shall be completed on a form prescribed by the Division

g Respondent shall participate in all therapy that the Division and the Board may require. Respondent shall authorize all approved treatment programs or therapists from whom Respondent has received or will receive treatment to discuss Respondent's diagnosis, treatment, and prognosis with the Division and the Board. The program or therapist must also be directed to submit evaluations to the Board that address Respondent's progress in treatment and Respondent's prognosis at the frequency described above. Respondent may be subject to re-evaluation upon notice and opportunity to be heard

h Respondent shall complete Division and Board approved continuing education courses in professional and legal issues, and professional ethics within the first six months of this Memorandum of Understanding and Order

i Respondent shall notify any employer of Respondent's restricted status and the terms of this agreement. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board at the frequency described in subparagraph (e) above. The receipt of an unfavorable report may be considered to be a violation of probation. If Respondent is not employed as a nurse, Respondent shall submit the employer report form on the date it is due and indicate on that form that Respondent's current employment is not in nursing or that Respondent is not currently working

j Respondent shall provide to Respondent's employer(s) and/or school of nursing a copy of this Memorandum of Understanding and Order and cause each employer or school of nursing to acknowledge to the Board in writing, that a copy of this Memorandum of Understanding and Order has been provided to the employer and/or school of nursing

k Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, home health agency, temporary employment agency, school of nursing, or any other practice setting in which nursing supervision is unavailable

l Respondent shall practice only under the on-site supervision of a Registered Nurse in good standing with the Division, or a licensed physician in good standing with the Division. The supervising nurse or supervising physician shall be primarily one person who may periodically delegate his or her supervisory responsibilities over Respondent to other qualified personnel

m Respondent agrees not to practice nursing in any other state that is a party to the Nurse Licensure Compact without prior authorization from such other party state

n Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession

o If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return. The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Memorandum of Understanding and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Memorandum of Understanding and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Memorandum of Understanding and Order

p If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions

q Respondent must maintain a current license at all times during the period of this agreement

r Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address

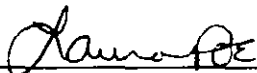
s In the event Respondent does not practice as a nurse for a period of sixty (60) days

or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Memorandum of Understanding and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession.

- 6 Respondent agrees to abide by all applicable federal and state laws, regulations, rules or orders related to Respondent's practice as a nurse.
- 7 Respondent understands that the issuance of a license pursuant to this Memorandum of Understanding and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure.
- 8 If Respondent successfully completes the terms of this Memorandum of Understanding and Order, the conditions on Respondent's license as a licensed practical nurse will be lifted and Respondent's license will not be subject to further restriction.
- 9 If Respondent violates any term or condition of this Memorandum of Understanding and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.
- 10 The terms and conditions of this Memorandum of Understanding and Order become effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order. Respondent shall complete all the terms and conditions contained in the Memorandum of Understanding and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions.
- 11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties. There are no verbal agreements that modify, interpret, construe or affect this Memorandum of Understanding and Order.

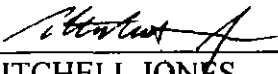
- 12 Respondent has read each and every paragraph contained in this Memorandum of Understanding and Order Respondent understands each and every paragraph contained in this Memorandum of Understanding and Order Respondent has no questions about any paragraph or provision contained in this Memorandum of Understanding and Order

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY   
LAURA POE  
Bureau Manager


DATE 11-1-06

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
L. MITCHELL JONES  
Counsel for the Division

DATE 26 Sep 2006

RESPONDENT

BY   
KENT WILKINSON

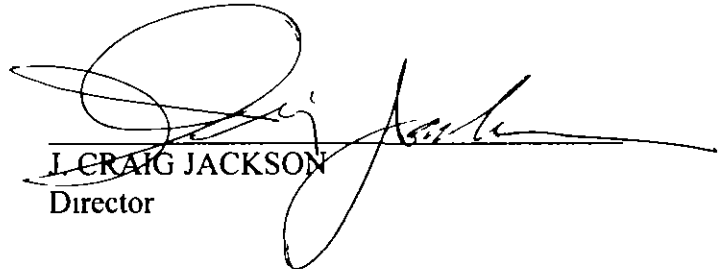
DATE 10-31-06

**ORDER**

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of Kent Wilkinson, is hereby approved by the Division of Occupational and Professional Licensing. The terms and conditions of the Memorandum of Understanding are incorporated herein and constitute my final Order in this case.

DATED this 6<sup>th</sup> day of November, 2006

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
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L. CRAIG JACKSON  
Director